

Amendment No. 1 to HB0511

Dean
Signature of Sponsor

AMEND Senate Bill No. 653

House Bill No. 511*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-1-134(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a)

(1) As used in this subsection (a), "state highway structure" includes any state highway facility; building; bridge; overpass; tunnel; barricade; fence; wall; traffic control device; right-of-way; sign or marker of any nature whatsoever erected upon or maintained within or adjacent to a state highway or the state highway right-of-way by any authorized source or under the authority of the department; and letters or figures of any nature whatsoever on any sign, marker, barricade or fence.

(2) Any person who is not authorized to construct or repair a state highway structure and who knowingly carves upon, writes, paints or otherwise marks upon, defaces, rearranges, or alters any state highway structure commits the offense of vandalism in violation of § 39-14-408. Acts of vandalism are to be valued according to the provisions of § 39-11-106(a)(36) and punished as theft under § 39-14-105.

(3) Any person who is not authorized to construct or repair a state highway structure and who knowingly, in any manner, destroys, damages, knocks down, mutilates, mars, steals or removes any state highway structure commits the offense of theft of property in violation of § 39-14-103.

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(4) Whenever any state highway structure described in this subsection (a) is damaged knowingly or negligently by any person, firm or corporation, the person, firm or corporation shall be liable for the damage to the state highway structure, to be recovered by a civil action in the name of the state. The civil action shall be instituted by the attorney general and reporter, whose duty it shall be to represent the state in the action.

SECTION 2. Tennessee Code Annotated, Title 54, Chapter 5, Part 7, is amended by deleting Sections 54-5-701 and 54-5-702 in their entirety.

SECTION 3. Tennessee Code Annotated, Section 54-7-201, is amended by deleting subsection (d) in its entirety and by redesignating the remaining subsection accordingly.

SECTION 4. Tennessee Code Annotated, Title 54, Chapter 7, Part 2, is amended by adding the following as a new, appropriately designated section:

54-7-20_.

(a)

(1) As used in this subsection (a), "county highway structure" includes any county highway; highway facility; building; bridge; overpass; tunnel; barricade; fence; wall; traffic control device; right-of-way; sign or marker of any nature whatsoever erected upon or maintained within or adjacent to a county highway or the county highway right-of-way.

(2) Any person who is not authorized to construct or repair a county highway structure and who knowingly carves upon, writes, paints or otherwise

marks upon, defaces, rearranges, or alters any county highway structure commits the offense of vandalism in violation of § 39-14-408. Acts of vandalism are to be valued according to the provisions of § 39-11-106(a)(36) and punished as theft under § 39-14-105.

(3) Any person who is not authorized to construct or repair a county highway structure and who knowingly, in any manner, destroys, damages, knocks down, mutilates, mars, steals or removes any county highway structure commits the offense of theft of property in violation of § 39-14-103.

(4) In addition to any criminal penalty provided by law for a violation of subdivisions (a)(2) or (a)(3), there is created a separate civil cause of action for the cost of any damage resulting from such prohibited action.

(5) There is created a civil cause of action for the cost of any damage done whenever a person negligently damages any county highway structure.

(6) Criminal actions prosecuted pursuant to this subsection shall be brought by the district attorney general of the judicial district in which the damage occurred. Civil actions instituted pursuant to this subsection shall be brought by the county attorney or an attorney employed by the chief administrative officer of the county highway department.

(b)

(1) Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for a violation of this section shall receive a reward of two hundred fifty dollars (\$250). The county where the conviction occurs shall provide the reward money from the proceeds of the fines collected under this section.

(2) The proceeds from the fines imposed for violations of this section shall be collected by the respective court clerks and then deposited in a dedicated

county fund. The fund shall not revert to the county general fund at the end of a fiscal year but shall remain for the vandalism enforcement rewards established in subdivision (b)(1).

(3) Each county shall expend the funds generated by the fines provided for in this section by appropriation for the vandalism enforcement rewards.

Excess funds, if any, may be expended for litter control programs on adoption of an appropriate resolution by the county legislative body.

(c) Notwithstanding any law to the contrary, this section shall apply to all counties.

SECTION 5. This act shall take effect July 1, 2013, the public welfare requiring it.